

Case HKPS-CC-20210705

A former HKPS member (“**That former HKPS member**”) was found, after full investigation by Discipline Board (“DB”) in 2023 (Case No. HKPS-CC-20210705) conducted in accordance with the 2021 By-Laws of the Hong Kong Psychological Society (“HKPS”), to have contravened the following sections of the Code of Professional Conduct (2012) (“the Code”) of HKPS while being a Registered Psychologist:

Breach	Statement of the breach and particulars	Sections of the Code referred
1st	<p>Failing to provide prospective clients with an estimate of the possible cost of their professional services and the terms of payment before the commencement of professional services:</p> <p>Invoices for payment for the first child custody evaluation report were issued by two different sources, which are that former HKPS member and the clinic that former HKPS member used to work for, and the client needed to make two separate sets of payment. The DB had not received evidence or explanation from that former HKPS member showing that she had fully explained to her client the terms of the payment. The DB also had also not received information or explanation from that former HKPS member showing that she had provided to the parties an estimate for the second psychological report (“2nd Report”) before the commencement of professional services.</p>	3.7.1
2nd	<p>Failing to remain aware and acknowledge the limits of their methods and the conclusions resulting from the application of these methods:</p> <p>That former HKPS member’s assessment methods and skills, her handling and interpretation of data obtained, the conclusions hence derived, and the written psychological reports were found to have fallen short of the professional standard expected of a competent psychologist and custody evaluator. The DB noted that some assessment methods were inappropriate. For example, in paragraphs 115 - 123 of the 2nd Report she prepared, that former HKPS member’s interview style with the child-in-question was inappropriate and at times even coercive, and some questions and remarks were irrelevant to the custody evaluation and should have been avoided, e.g. “does your mommy buy you a lot of things?”. Certain opinions were not based on objective evidence. For example, her comment in the 2nd Report that “It seems to me that her client is still having a hard time not seeing [<i>the child-in-question</i>] as her property...”. This is a serious allegation but the basis of that former HKPS member’s opinion was unclear and that former HKPS member had not provided any strong evidence or justification in the report.</p>	4.6
3rd	<p>Failing to interpret assessment results with due consideration to the various test, situational and personal factors which might compromise the accuracy of the interpretation:</p> <p>That former HKPS member’s handling and interpretation of data obtained, and the conclusions hence derived were found to have fallen short of the professional standard expected of a competent psychologist and custody evaluator. Some data had not been given</p>	9.1.3

	<p>the appropriate attention. For example, in paragraph 124 of the 2nd Report, the child-in-question told that former HKPS member that her father had locked her in a closet when disciplining her. This could potentially be an abusive act but that former HKPS member had not taken the necessary action to look further into what had been reported and properly handle a potential child abuse incident. There was also overinterpretation of data. For instance, that former HKPS member wrote in the second report about the presence of possible “brainwashing” on the part of her client. This is a strong allegation which would cause concern over her parenting capacity, especially when this is a child custody evaluation, but there was no strong basis for this statement in the report.</p>	
4th	<p>Failing to base opinions expressed in reports, statements and recommendations on substantiated findings: Some of the opinions made by that former HKPS member were not based on objective evidence, and the basis of her conclusion in the reports was unclear and not based on substantiated findings. In addition to the examples given in (b) and (c) above, in paragraphs 306 - 315 of the 2nd Report, that former HKPS member had also failed to demonstrate the basis of her recommendations regarding relocation. She had also failed to take up with the parties about the feasibility of her recommendations before she listed them in the report.</p>	9.1.4
5th	<p>Failing to be aware, and acknowledge limitations, of the used methods, interpretations, and/or findings if they are present: That former HKPS member had taken the data she collected at face value, drew up conclusion based on these findings, but had not stated the limitations of these assessment results.</p>	9.1.5

Sanction

The Discipline Board the following sanctions to be imposed on that former HKPS member:

- (a) that she be reprimanded;
- (b) that she be required to receive training on child protection and custody evaluation, and to receive supervision on her future custody evaluation work; and
- (c) that her membership with the Society be suspended for two years, after which the Society will consider her membership status when evidence of training and supervision as stipulated in (b) have been provided.

The DB believed that the proposed disciplinary sanction was appropriate after taking into account all relevant considerations which included:

- the need to uphold professionalism and compliance with the Code by all members;
- the need to protect the interests of the public in the engagement of psychological services; and
- the option for your client to pursue the relevant qualifications and titles during the suspension period.

The DB’s findings and recommendations were endorsed by the Council of HKPS on 19 March 2023.